

Please cancel claim 8.

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10. (Amended) A pet food product for enhancing immune response in a companion animal, said pet food product comprising a pet food composition containing an effective amount of a combination of vitamin E, lutein and β -carotene and further comprising about 18 to 40% crude protein, about 4 to 30% fat, and about 4 to 20% total dietary fiber.

REMARKS

In the latest Office Action, the Examiner indicated that claim 10 remains objected to as depending from a rejected base claim but is otherwise in condition for allowance. Accordingly, with this amendment, claim 10 has been rewritten in independent form.

Claim 7 stands rejected under 35 U.S.C. 102(b) as being anticipated by Shapira, U.S. Patent No. 5,290,605. In response to applicants' previous arguments, the Examiner has maintained that the claimed combination of vitamin E, lutein and β -carotene is within the teachings of Shapira. However, Shapira does not teach or suggest a composition including the amounts of each component recited in claim 7 as amended. Claim 7 is clearly patentable over Shapira.

Claims 7 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira. Applicants submit that with the amendment to claim 7, there is no motivation to modify Shapira to use the claimed amounts as Shapira does not teach the claimed combination of vitamin E, lutein and β -carotene, nor does Shapira teach or suggest a pet food composition for the purpose of enhancing immune response. Shapira's general teaching of a carotenoid mix and optional vitamins does not provide sufficient motivation or guidance to use the specifically claimed combination of vitamin E, lutein and β -carotene in the claimed amounts.

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